

RESOLUTION NO. 20080410-013

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire certain real property interests for public purposes as set out below; and

WHEREAS, the City of Austin has attempted to purchase the needed real property interests but has been unable to agree with the owners on the fair market value thereof; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City of Austin against the owners now having, or who may acquire, an interest in the real property interests needed by the City, described and located below, for the public purposes set out below, and to take whatever other action may be deemed appropriate to economically effect the needed acquisitions.

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owners: Carrie D. York, Bill Evans, Fundamentals Group, Inc., dba Texas Perspectives, Inc., Jan Ode, Scott Mattfeld, Harvey Colin Hodges, Kalila B. Homann, Seja Rachael, William L. Wolters, Shane Frampton Wolters, and Renee Miller

Project: Govalle 1 – South 2nd Street Wastewater Reroute and Area Improvements Project, a portion of the Austin Clean Water Program

Intended Purpose: the permanent wastewater line easement described in the attached Exhibit “A” is necessary to install, operate, maintain, repair, replace, and upgrade permanent wastewater lines and appurtenances thereto, in order to increase and improve the City’s ability to provide sanitary sewer services to the public, to prevent leakage from wastewater lines to protect public health and safety, and to comply with a federal mandate; and

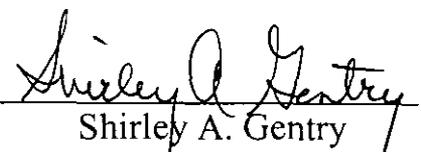
the temporary working space easement described in the attached Exhibit “B” is necessary to install the permanent wastewater lines and appurtenances thereto in the permanent wastewater line easement described in the attached Exhibit “A.”

Location: 1310 South 1st Street, Austin, Texas

Property: Described in the attached and incorporated Exhibits A and B.

ADOPTED: April 10, 2008

ATTEST:


Shirley A. Gentry
City Clerk



MACIAS & ASSOCIATES, L.P.

LAND SURVEYORS

BOULDIN SQUARE CONDOMINIUMS

TO
CITY OF AUSTIN
(WASTEWATER EASEMENT)

June 14, 2007

DESCRIPTION FOR PARCEL 5118.30WE

DESCRIPTION OF A 0.066 ACRE (2,859 SQUARE FOOT) TRACT OF LAND OUT OF LOT 1, BLOCK C OF THE PARTITION OF THE ESTATE OF JAMES E. BOULDIN OUT OF THE ISAAC DECKER LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAID PARTITION BEING RECORDED IN BOOK U, PAGE 78, DISTRICT COURT MINUTES OF TRAVIS COUNTY, TEXAS; SAID 0.066 ACRE (2,859 SQUARE FOOT) TRACT BEING OUT OF A 0.492 ACRE TRACT DESCRIBED IN THE FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM REGIME FOR BOULDIN SQUARE CONDOMINIUMS EXECUTED SEPTEMBER 25, 2002, RECORDED IN DOCUMENT NO. 2002239685, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND ALSO BEING OUT OF A 0.017 ACRE TRACT DESCRIBED IN THE FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM REGIME FOR BOULDIN SQUARE CONDOMINIUMS EXECUTED SEPTEMBER 25, 2002, RECORDED IN DOCUMENT NO. 2002216314, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.017 ACRE TRACT BEING OUT OF A VACATED PORTION OF A 20-FOOT WIDE ALLEY, SAID ALLEY BEING VACATED BY RESOLUTION DATED FEBRUARY 14, 1946 BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TRAVIS COUNTY TEXAS, SAID 0.066 ACRE (2,859 SQUARE FOOT) TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING for reference at a 1/2" iron rod found at the intersection of the west right-of-way line of South 1st Street, a 60-foot wide right-of-way, with the north right-of-way line of West Elizabeth Street, a 60-foot wide right-of-way, at the southeast corner of said 0.492 acre tract;

THENCE, N 62°24'43" W, with the north right-of-way line of West Elizabeth Street and the south line of said 0.492 acre tract, a distance of 130.07 feet to a 60d nail set having Texas State Plane Coordinate (Central Zone, NAD83 (CORS), U.S. Feet, Combined Scale Factor 1 00010) values of N=10,064,444.14, E=3,110,579.38, for the southeast corner and the **POINT OF BEGINNING** of this tract

0.066 Acre (2,859 Square Feet)
Wastewater Easement

Exhibit "A"
Page 1 of 4

5118.30WE

THENCE, N 62°24'43" W, continuing with the north right-of-way line of West Elizabeth Street and the south line of said 0.492 acre tract, a distance of 20.00 feet to a 60d nail set for the southwest corner of this tract;

THENCE, across said 0.492 acre tract, said 0.017 acre tract and the vacated portion of said 20-foot wide alley, the following two (2) courses:

- 1) N 26°46'11" E, a distance of 129.56 feet to a 60d nail set for an interior corner of this tract,
- 2) N 61°51'06" W, a distance of 17.91 feet to a 60d nail set on the west line of said 0.017 acre tract and on the west line of the vacated portion of said 20-foot wide alley, for a corner of this tract, from said point, a 1/2" iron rod with plastic cap found at an angle point on the south line of the vacated portion of said 20-foot wide alley, at the northwest corner of said 0.492 acre tract, at the southwest corner of said 0.017 acre tract and at the northeast corner of Lot 23, Block 3, South Heights, a subdivision recorded in Volume 1, Page 121, Plat Records of Travis County, Texas, bears S 28°03'28" W, 4.44 feet;

THENCE, N 28°03'28" E, with the west line of said 0.017 acre tract and the west line of the vacated portion of said 20-foot wide alley, a distance of 5.56 feet to a 1/2" iron rod found at the northwest corner of said 0.017 acre tract, for the northwest corner of this tract;

THENCE, S 66°32'48" E, continuing across the vacated portion of said 20-foot wide alley, with the north line of said 0.017 acre tract, a distance of 37.85 feet to a 60d nail set for the northeast corner of this tract, from said point, a 1/2" iron rod found on the west right-of-way line of South 1st Street, a 60-foot wide right-of-way, at the east corner of said 0.017 acre tract, the northeast corner of said 0.492 acre tract and at the southeast corner of Lot 13, Block 3 of said South Heights, bears S 66°32'48" E, 110.56 feet;

THENCE, S 26°46'11" W, across said 0.017 acre tract, the vacated portion of said 20-foot wide alley and said 0.492 acre tract, a distance of 138.03 feet to the **POINT OF BEGINNING** and containing 0.066 acre (2,859 square feet) of land.

BEARING BASIS NOTE

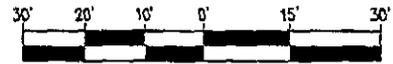
The bearings described herein are Texas State Plane Grid Bearings, (Central Zone, NAD83 (CORS) Combined Scale Factor 1.00010). Project control points were established from reference station "AUSTIN RRP2" having coordinate values of N=10,086,515.89, E=3,109,682.48 and "H-20-3001" (CB11) having coordinate values of N=10,061,108.04, E=3,109,304.63.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LOT 22, BLOCK 3
SOUTH HEIGHTS
VOL 1, PG 121, P.R.T.C

CONNEX BOX
8' X 20'

20' ALLEY



GRAPHIC SCALE

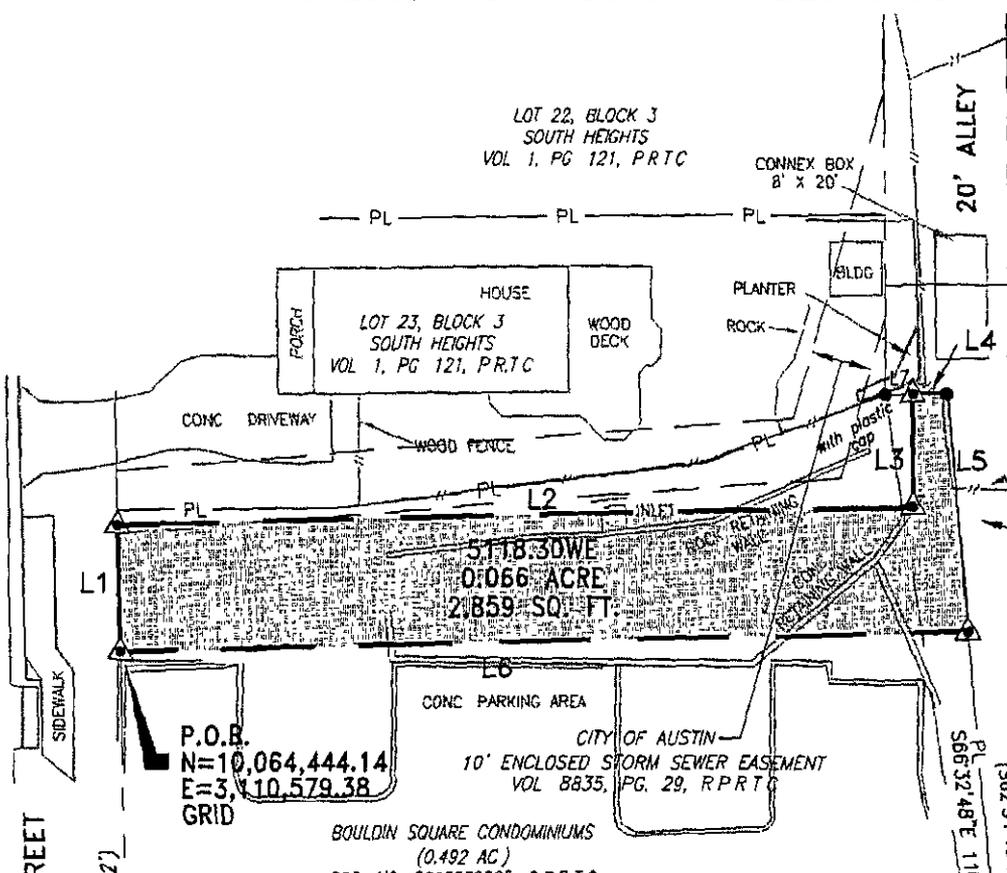
1"=30'

LOT 10, BLOCK 3
SOUTH HEIGHTS
VOL 1, PG 121, P.R.T.C

VACATED ALLEY
CITY COUNCIL RESOLUTION
DATED FEBRUARY 14, 1946

SOUTH PORTION OF LOTS
11, 12 AND 13, BLOCK 3
SOUTH HEIGHTS
VOL 1, PG 121, P.R.T.C

CENTRAL PORTION OF LOTS
11, 12 AND 13, BLOCK 3
SOUTH HEIGHTS
VOL 1, PG 121, P.R.T.C



P.O.B.
N=10,064,444.14
E=3,110,579.38
GRID

BOULDIN SQUARE CONDOMINIUMS
(0.492 AC)
DOC NO 2002239685, O.P.R.T.C

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	N62°24'43"W	20.00'
L2	N26°46'11"E	129.56'
L3	N61°51'06"W	17.91'
L4	N28°03'28"E	5.56'
L5	S66°32'48"E	37.85'
L6	S26°46'11"W	138.03'
L7	S28°03'28"W	4.44'

BOULDIN SQUARE CONDOMINIUMS
(0.017 AC)
DOC NO 2002216314, O.P.R.T.C.

LOT 13, BLOCK 3
SOUTH HEIGHTS
VOL 1, PG 121, P.R.T.C

LEGEND	
●	1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
▲	60D NAIL SET
△	CALCULATED POINT
P.O.B	POINT OF BEGINNING
P.O.C	POINT OF COMMENCEMENT
R.O.W	RIGHT-OF-WAY
— PL —	PROPERTY LINE
P.U.E	PUBLIC UTILITY EASEMENT
VOL, PG	VOLUME, PAGE
P.R.T.C	PLAT RECORDS OF TRAVIS COUNTY
R.P.R.T.C	REAL PROPERTY RECORDS OF TRAVIS COUNTY
O.P.R.T.C.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY
()	RECORD INFORMATION

NOTE:
THIS PROPERTY IS SUBJECT TO A BLANKET ELECTRIC LINES AND SYSTEMS EASEMENT GRANTED TO THE CITY OF AUSTIN DATED MAY 30, 2002, RECORDED IN DOCUMENT NO. 2002100226, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS

P.O.C.

SOUTH 1ST STREET
(60' R.O.W.)

BEARING BASIS:

THE COORDINATES AND BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM (CENTRAL ZONE, NAD83(CORS), COMBINED SCALE FACTOR = 1.00010) THE COORDINATES WERE ESTABLISHED BY GPS STATIC OBSERVATION FROM REFERENCE STATION "AUSTIN RRP2" HAVING COORDINATE VALUES OF N=10,086,515.89, E=3,109,682.48 AND "H-20-3001" (CB11) HAVING COORDINATE VALUES OF N=10,061,108.04, E=3,109,304.63 ALL DISTANCES SHOWN ARE SURFACE DISTANCES.

DATE: 6-14-07
REVISED BY: J. PARKER
MAP JOB NO. 230-22-07
REFERENCE: FB. 410 & 472
FILE NO. 5118.30WE.dwg

Gregorio Lopez Jr.
Gregorio Lopez, Jr.
Registered Professional Land Surveyor
No. 5272 - State of Texas



Exhibit "A"
Page 4 of 4

J:\JOBS\BINKLEY-BARFIELD\5 2ND\2902207.DWG\5118.30WE.dwg

MACIAS & ASSOCIATES, INC.
LAND SURVEYORS

★ ★ ★ ★ ★

5410 SOUTH 1ST STREET
AUSTIN, TEXAS 78745 PH. (512)442-7875
FAX (512)442-7876 EMAIL MACIASURVEY@EARTHINK.NET



MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS

BOULDIN SQUARE COMDOMUNIUMS
TO
CITY OF AUSTIN
(TEMPORARY WORKING
SPACE EASEMENT)
August 8, 2007

DESCRIPTION FOR PARCEL 5118.30TWSE

DESCRIPTION OF A 0.023 ACRE (1,015 SQUARE FOOT) TRACT OF LAND OUT OF LOT 1, BLOCK C OF THE PARTITION OF THE ESTATE OF JAMES E. BOULDIN OUT OF THE ISAAC DECKER LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAID PARTITION BEING RECORDED IN BOOK U, PAGE 78, DISTRICT COURT MINUTES OF TRAVIS COUNTY, TEXAS; SAID 0.023 ACRE (1,015 SQUARE FOOT) TRACT BEING OUT OF A 0.492 ACRE TRACT DESCRIBED IN THE FIRST AMENDMENT TO DECLARATION OF CONDOMINIUM REGIME FOR BOULDIN SQUARE CONDOMINIUMS EXECUTED SEPTEMBER 25, 2002, RECORDED IN DOCUMENT NO. 2002239685, OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.023 ACRE (1,015 SQUARE FOOT) TRACT AS SHOWN ON THE ACCOMPANYING SKETCH, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING for reference at a 1/2" iron rod found at the intersection of the west right-of-way line of South 1st Street, a 60-foot wide right-of-way, with the north right-of-way line of West Elizabeth Street, a 60-foot wide right-of-way, at the southeast corner of said 0.492 acre tract;

THENCE, N 62°24'43" W, with the north right-of-way line of West Elizabeth Street and the south line of said 0.492 acre tract, a distance of 110.07 feet to a calculated point having Texas State Plane Coordinate (Central Zone, NAD83 (CORS), U.S. Feet, Combined Scale Factor 1.00010) values of N=10,064,434.88, E=3,110,597.11, for the southeast corner and the **POINT OF BEGINNING** of this tract;

THENCE, N 62°24'43" W, continuing with the north right-of-way line of West Elizabeth Street and the south line of said 0.492 acre tract, a distance of 20.00 feet to a 60d nail set for the southwest corner of this tract;

0.023 Acre (1,015 Square Feet)
Temporary Working Space Easement

Exhibit "B"
Page 1 of 4

5118.30TWSE

THENCE, across said 0.492 acre tract, the following five (5) courses:

- 1) N 26°46'11" E, a distance of 106.63 feet to a calculated point for the north corner of this tract, from said point, a 1/2" iron rod found on the west right-of-way line of South 1st Street, at the northeast corner of said 0.492 acre tract and at the southeast corner of Lot 13, Block 3 of South Heights, a subdivision recorded in Volume 1, Page 121, Plat Records of Travis County, Texas, bears N 26°46'11" E, 31 40 feet, and S 66°32'48" E, 110.56 feet;
- 2) S 11°09'37" E, a distance of 5.45 feet to a calculated point for an angle point;
- 3) S 28°46'46" W, a distance of 58.59 feet to a calculated point for an interior corner of this tract;
- 4) S 61°02'05" E, a distance of 18.72 feet to calculated point for a corner of this tract;
- 5) S 26°46'11" W, a distance of 43.34 feet to the **POINT OF BEGINNING** and containing 0.023 acre (1,015 square feet) of land.

BEARING BASIS NOTE

The bearings described herein are Texas State Plane Grid Bearings, (Central Zone, NAD83 (CORS) Combined Scale Factor 1.00010). Project control points were established from reference station "AUSTIN RRP2" having coordinate values of N=10,086,515.89, E=3,109,682.48 and "H-20-3001" (CB11) having coordinate values of N=10,061,108.04, E=3,109,304.63.

THE STATE OF TEXAS §
§
COUNTY OF TRAVIS §

KNOW ALL MEN BY THESE PRESENTS:

That I, Gregorio Lopez, Jr., a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this 8th day of August, 2007, A.D.

Macias & Associates, L.P.
5410 South 1st Street
Austin, Texas 78745
512-442-7875



Gregorio Lopez, Jr.
Registered Professional Land Surveyor
No. 5272 – State of Texas



REFERENCES

MAPSCO 2003 614H
Austin Grid No. MH-21
TCAD PARCEL ID NO. 01-0101-1402 through 1409
MACIAS & ASSOCIATES, L.P., PROJECT NO. 290-22-07

FIELD NOTES REVIEWED

By: B. Sauer Date: 8-9-07

Austin Clean Water Program
Survey Coordinator

0.023 Acre (1,015 Square Feet)
Temporary Working Space Easement

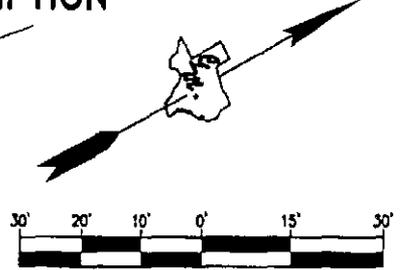
Exhibit "B"
Page 3 of 4

5118 30TWSE

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LOT 22, BLOCK 3
SOUTH HEIGHTS
VOL. 1, PG. 121, P.R.T.C.

CITY OF AUSTIN
10' ENCLOSED STORM SEWER EASEMENT
VOL. 8835, PG. 29, R.P.R.T.C.



GRAPHIC SCALE

1"=30'

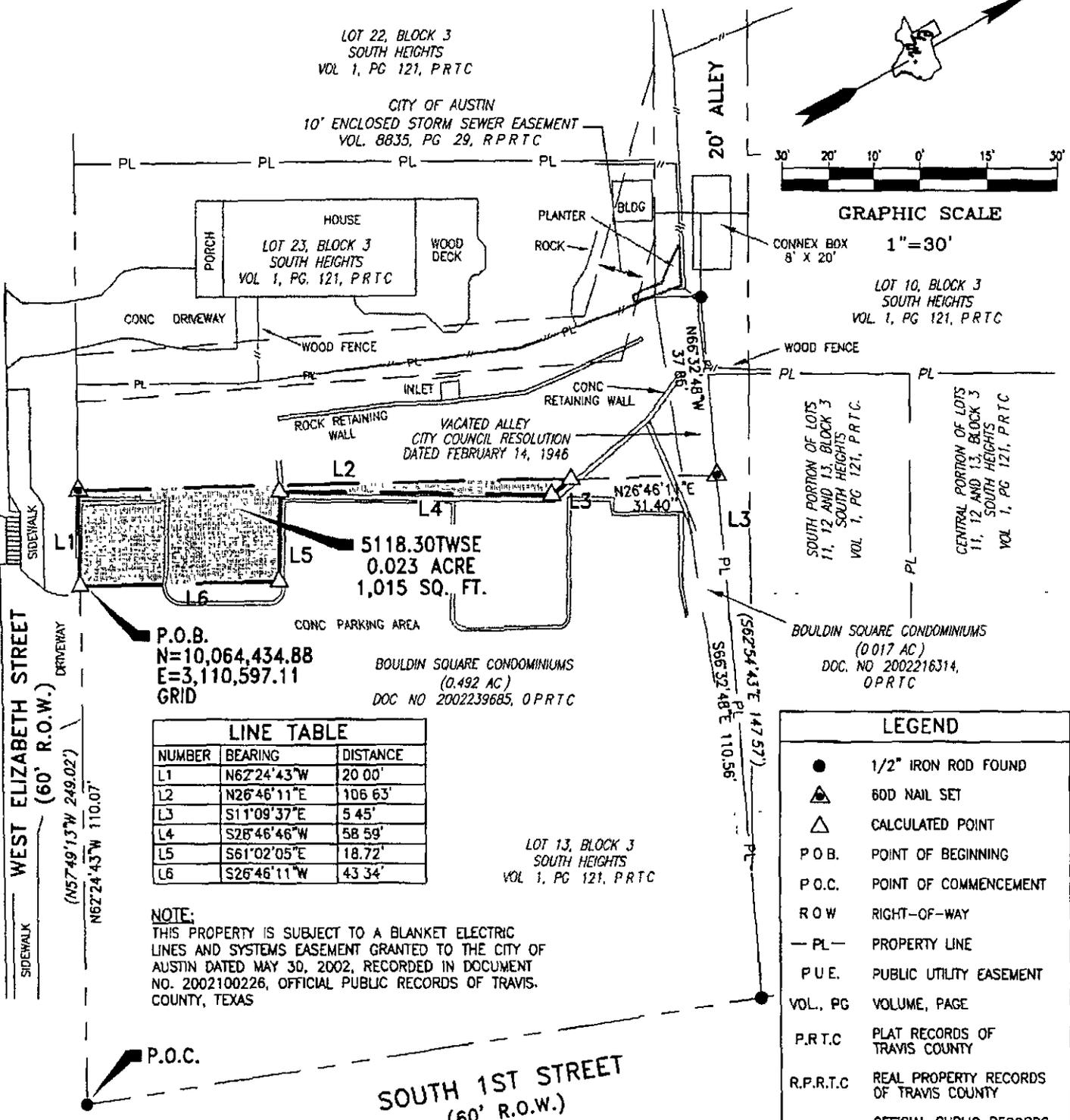
LOT 10, BLOCK 3
SOUTH HEIGHTS
VOL. 1, PG. 121, P.R.T.C.

SOUTH PORTION OF LOTS
11, 12 AND 13, BLOCK 3
SOUTH HEIGHTS
VOL. 1, PG. 121, P.R.T.C.

CENTRAL PORTION OF LOTS
11, 12 AND 13, BLOCK 3
SOUTH HEIGHTS
VOL. 1, PG. 121, P.R.T.C.

BOULDIN SQUARE CONDOMINIUMS
(0.017 AC)
DOC. NO. 2002216314,
O.P.R.T.C.

LOT 13, BLOCK 3
SOUTH HEIGHTS
VOL. 1, PG. 121, P.R.T.C.



LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	N62°24'43"W	20.00'
L2	N26°46'11"E	106.63'
L3	S11°09'37"E	5.45'
L4	S26°46'46"W	58.59'
L5	S61°02'05"E	18.72'
L6	S26°46'11"W	43.34'

NOTE:
THIS PROPERTY IS SUBJECT TO A BLANKET ELECTRIC
LINES AND SYSTEMS EASEMENT GRANTED TO THE CITY OF
AUSTIN DATED MAY 30, 2002, RECORDED IN DOCUMENT
NO. 2002100226, OFFICIAL PUBLIC RECORDS OF TRAVIS
COUNTY, TEXAS

LEGEND	
●	1/2" IRON ROD FOUND
▲	60D NAIL SET
△	CALCULATED POINT
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
ROW	RIGHT-OF-WAY
— PL —	PROPERTY LINE
P.U.E.	PUBLIC UTILITY EASEMENT
VOL., PG	VOLUME, PAGE
P.R.T.C.	PLAT RECORDS OF TRAVIS COUNTY
R.P.R.T.C.	REAL PROPERTY RECORDS OF TRAVIS COUNTY
O.P.R.T.C.	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY
()	RECORD INFORMATION

BEARING BASIS:
THE COORDINATES AND BEARINGS SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM (CENTRAL ZONE, NAD83(CORS), COMBINED SCALE FACTOR = 1.00010) THE COORDINATES WERE ESTABLISHED BY GPS STATIC OBSERVATION FROM REFERENCE STATION "AUSTIN RRP2" HAVING COORDINATE VALUES OF N=10,086,515.89, E=3,109,682.48 AND "H-20-3001" (CB11) HAVING COORDINATE VALUES OF N=10,061,108.04, E=3,109,304.63. ALL DISTANCES SHOWN ARE SURFACE DISTANCES

DATE: 8-8-07
DRAWN BY: J. PARKER
MAP JOB NO.: 290-22-07
REFERENCE: F.B. 410 & 472

Gregorio Lopez, Jr.
August 8, 2007
Gregorio Lopez, Jr.
Registered Professional Land Surveyor
No. 5272 - State of Texas



Exhibit "B"
Page 4 of 4

J:\JOBS\BINKLEY-BARFIELD\5 2ND\2902207\DWG\5118 30TWSE.dwg

MACIAS & ASSOCIATES, L.P.
LAND SURVEYORS

★ ★ ★ ★ ★ ★ ★

5410 SOUTH 1ST STREET
AUSTIN, TEXAS 78745 PH (512)442-7875
FAX (512)442-7876 EMAIL: MACIASURVEY@EARTHLINK.NET